

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

KRISTIN LAUREL CONWAY,

Plaintiff,

v.

Case No. 3:22-cv-478-MMH-PDB

ACTING COMMISSIONER  
OF SOCIAL SECURITY,

Defendant.

---

**ORDER**

**THIS CAUSE** is before the Court on the Report and Recommendation (Doc. 17; Report), entered by the Honorable Patricia D. Barksdale, United States Magistrate Judge, on July 31, 2023. In the Report, Judge Barksdale recommends that the Commissioner’s decision be affirmed. See Report at 32. No objections to the Report have been filed, and the time for doing so has passed.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). Pursuant to Rule 72, Federal Rules of Civil Procedure (Rule(s)), the Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” See Rule 72(b)(3); see also 28 U.S.C. § 636(b)(1). However, a party waives the right to challenge on appeal any unobjected-to

factual and legal conclusions. See 11th Cir. R. 3-1.<sup>1</sup> As such, the Court reviews those portions of the Magistrate Judge’s findings to which no objection was filed for plain error and only if necessary, in the interests of justice. See id.; see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate [judge’s] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”); Dupree v. Warden, 715 F.3d 1295, 1304-05 (11th Cir. 2013) (recommending the adoption of what would become 11th Circuit Rule 3-1 so that district courts do not have “to spend significant amounts of time and resources reviewing every issue—whether objected to or not.”).

Upon independent review of the Magistrate Judge’s Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

**ORDERED:**

1. The Magistrate Judge’s Report and Recommendation (Doc. 17) is


**ADOPTED** as the opinion of the Court.

---

<sup>1</sup> The Magistrate Judge properly informed the parties of the time period for objecting and the consequences of failing to do so. See Report at 33.

2. The Clerk of the Court is directed to enter judgment **AFFIRMING** the Commissioner's final decision and close the file.

**DONE AND ORDERED** in Jacksonville, Florida this 16th day of August, 2023.

  
**MARCIA MORALES HOWARD**  
United States District Judge

ja  
Copies to:  
Counsel of Record